

Exhibit “E”

FILED
CLERK'S OFFICE

2004 OCT 21 P 1:09

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

U.S. DISTRICT COURT
MIDDLESEX SUPERIOR COURT
DEPT. OF TRIAL COURT
C.A. NO.

ADMIRAL METALS SERVICENTER CO. INC.,)
Plaintiff)
)
V.)
)
FEUZ MANUFACTURING, INC.)
And)
GARY A. FEUZ, INDIVIDUALLY)
Defendants)
)
And)
)
GENERAL ELECTRIC COMPANY)
And)
EMPIRE RECYCLING OPERATIONS, INC.)
Reach and Apply Defendants)
)

**AFFIDAVIT OF DARREN GAUDREAULT IN SUPPORT OF
PLAINTIFF'S MOTION FOR INJUNCTION**

I, Darren Gaudreault, under oath hereby depose and say as follows:

1. That I am the Vice President of Purchasing for the Plaintiff, Admiral Metals Servicenter Co., Inc. ("Admiral") and, as such, have personal knowledge of all of the facts contained herein.
2. I was contacted by Harry Turkel, a metal broker, about Admiral's interest in purchasing 40,000.00 pound of copper from his client, Empire Recycling Operations, who purchased the copper from Defendant, Feuz Manufacturing, Inc. ('FMI')
3. When inquiring about Admiral's interest in purchasing the copper, Mr. Turkel showed me pictures of the copper which are attached hereto as Exhibit "A" ("Pictures"). Mr. Turkel also

provided me with copies of the product description inventory tags attached hereto as Exhibit "B".

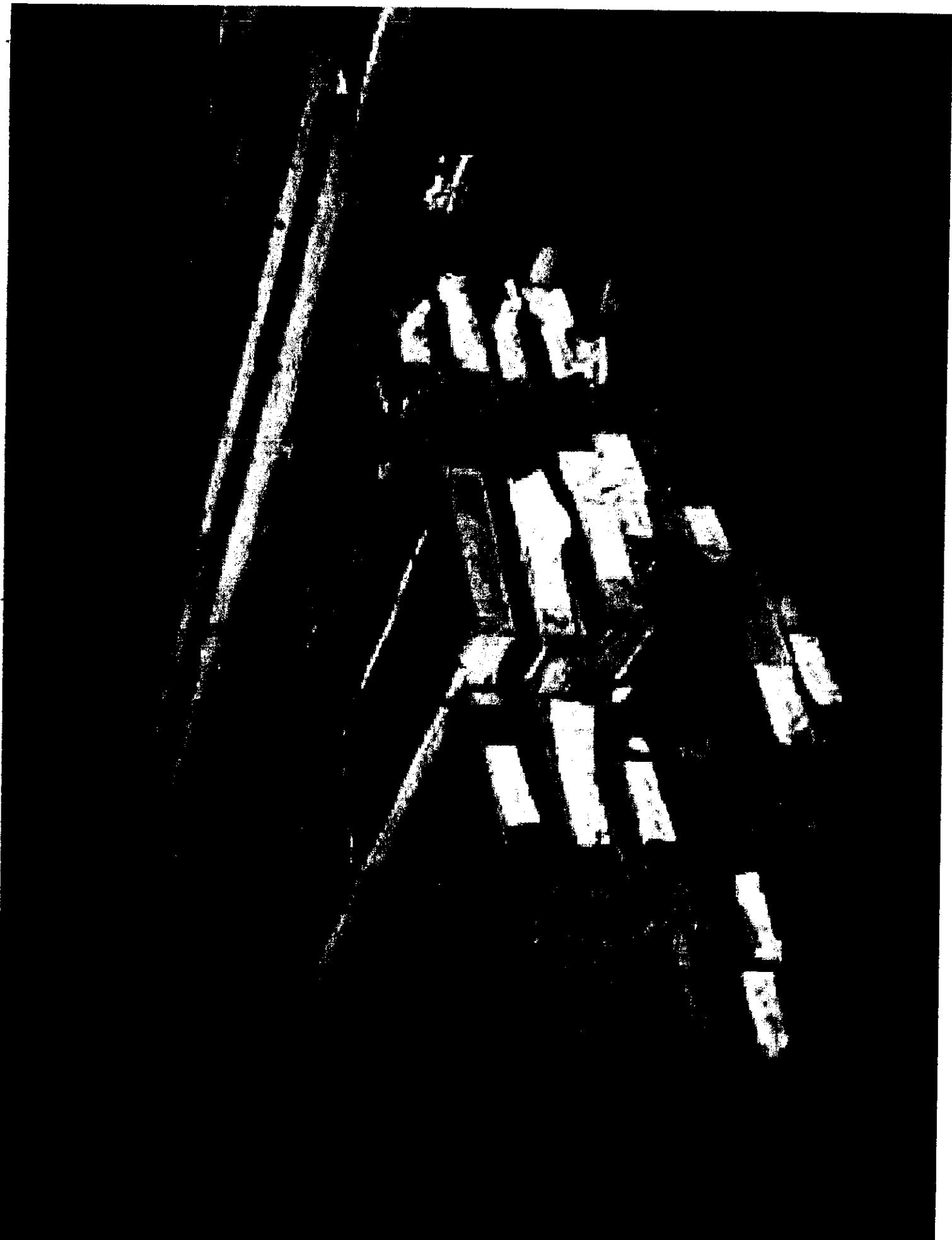
4. In the Pictures and/on the inventory tags, you can see Admiral's packing slip identifying this copper as the same metal product that FMI had purchased from Admiral and not paid for to date.
5. I have been informed by Mr. Turkell that as of October 5, 2004, said copper product was sold to and picked up by Reach and Apply Defendant Empire who in turn paid for \$50,000.00 for said copper product.
6. Upon information and belief, Reach and Apply Defendant Empire has yet to pay the \$50,000.00 to FMI.

Subscribed and sworn under the pains of perjury this 8 day of October, 2004.

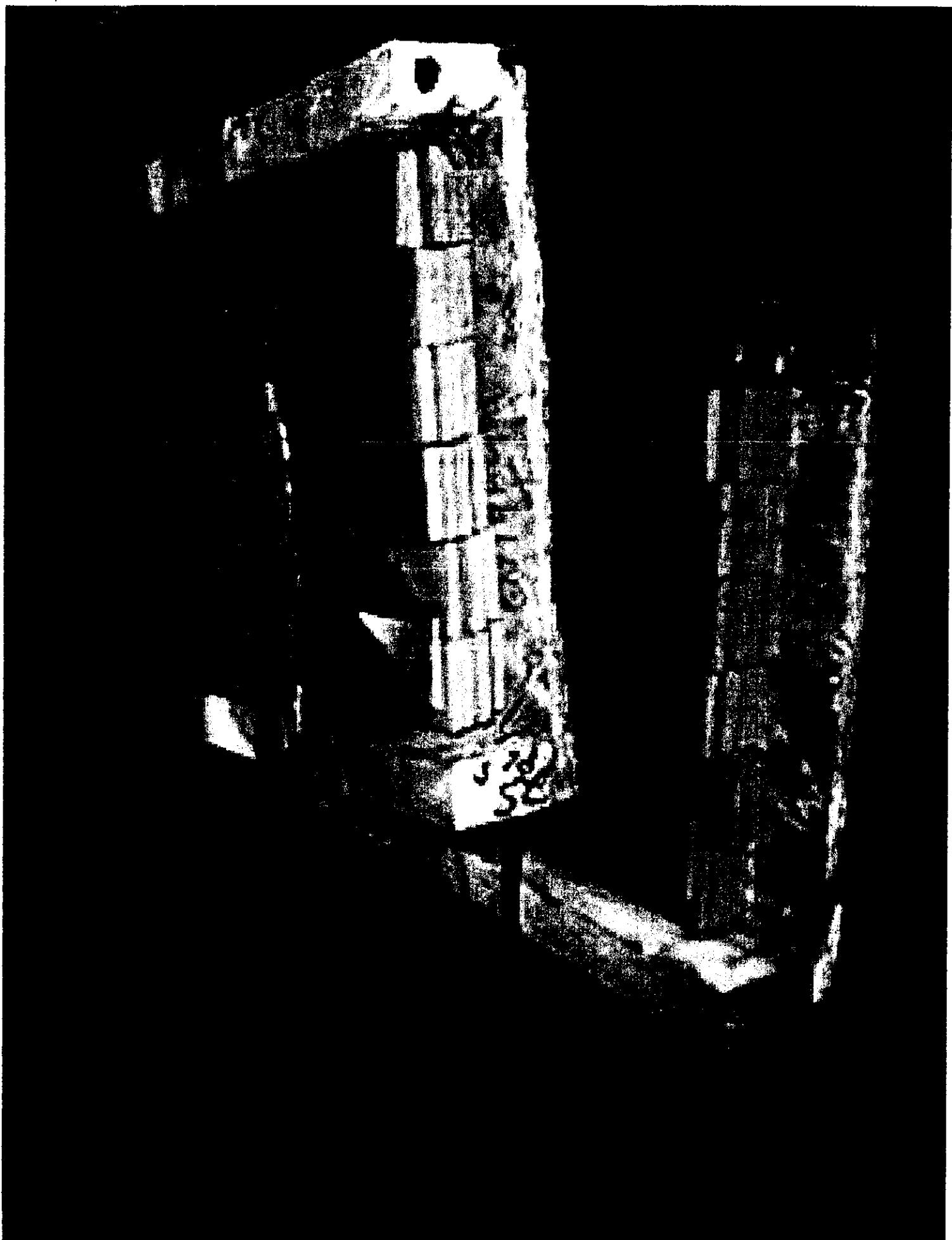


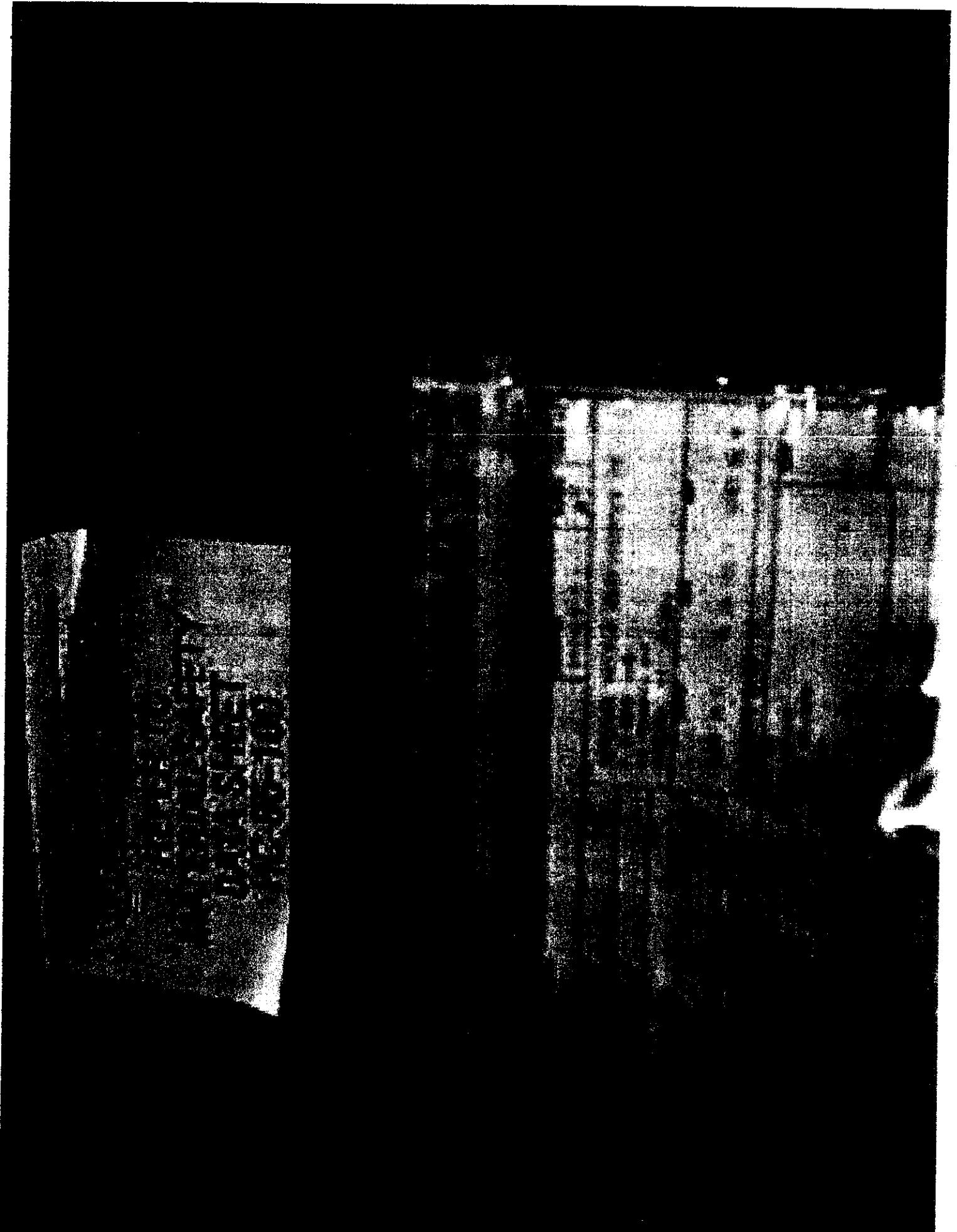
Darren Gaudreault,
Vice President of Purchasing,
Admiral Metals Servicenter Co., Inc.

EXHIBIT "A"









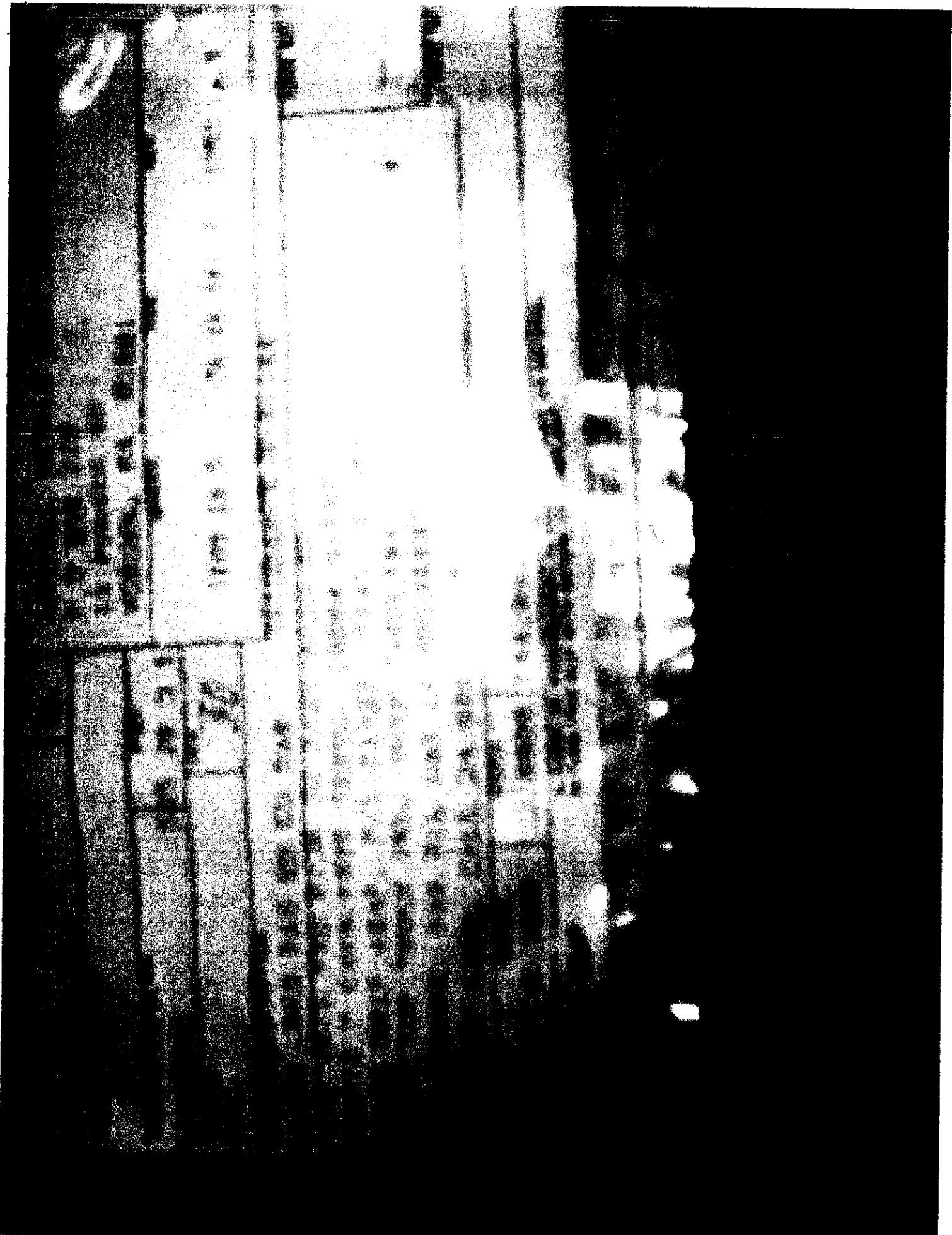


EXHIBIT “B”



**INVENTORY
TAG**

0700116	TEUZ MANUFACTURING INC		
TAG #	139321		
HEAT #.	F10227B4		
DESCRIPTION			
1100 90 RAD EDGE CU. RECT .2BX2	.3800	.0000	144.0000
Item # 10091			
QUANTITY	UOM	PCS	Location
1050		30	BAY1
VENDOR			
0000530	01 052921 M		
	PQ	01052921	

TOTAL P.02

JAN-02-1900 19:07

CUSTOMER PTN# M81052921		LOG BS	ADMIRAL METALS SERVICES INC. P O BOX 225 11 FORBES RD WOBURN, MA 01881	
CUSTOMER PTN# M81052921		PTEF	CROSS TIME NET	
MATL NO & SPEC NO 41669001	SPS 201 3 1	PCB	1109 lb E 55 lb (K) T 1053 lb N	
PACKED DATE	30			
MATERIAL DESCRIPTION 11000 .063 RAD ED C11 BAR L/H DATE FRU 6/30 TO 9/27 8/23 81 CERTS 7 CHEM/PHYS TESTS. 10004 BOXES. SHUFT SHIP ASAP. P/L FADED. REAR UNLOAD. OPEN TOP TRUCK DEL. SHIP CAROLINA/ COMMANDER. FAX P/L DAY OF SHIPMENT 781-937-4470. CALL 24 HRS 54 DEL AT				
ALLOY	GAUGE	WIDTH	LENGTH	CASE NO.
11000	0.06300	2.0000	144.0000	35
CONTENTS SLIP IN EVENT OF DISAGREEMENT IN WEIGHT, COUNT, OR MATERIAL, RETURN THIS SLIP WITH NATURE OF COMPLAINT.				

**HUSSEY COPPER LTD.**BY: HUSSEY COPPER CORP. GENERAL PARTNER
LEETSDALE, PA 16056

**REFER TO
MATERIAL SAFETY
DATA SHEET
HC-85-100**

DAREN - THESE ARE CLEANER PICTURES
OF LABELS - READ YOUR EMAIL FOR
PICTURES OF MATERIAL & BOXES

Ha J

 Specification

Document No. B11B4

Issue No. S18

General Electric Company

Ordering and Correspondence Guide
Specify Complete Material NumberRod & Bar, Electrolytic Tough Pitch Copper, Bare & Tinned

EMPIS Material B11B4 identifies cold-worked electrolytic tough pitch copper rod and bar, similar to ASTM B187, Alloy UNS C11000, bars or tinned, as follows:

Temper	Bare			Tinned		
	Rod	Bar		Rod	Bar tinned four sides	
		Square corners	Rounded corners		Square corners	Rounded corners
Annealed (O80)	B11B4A	B11B4A2	B11B4A3	B11B4A4	B11B4A5	B11B4A6, A8, A10
1/4 hard (H01)	-	B11B4B2	B11B4B3	B11B4B4	-	-
Commercially hard (H04)	B11B4C	B11B4C2	B11B4C3	B11B4C4	B11B4C5	B11B4C6, C8, C10
Dead soft annealed	-	B11B4L2	B11B4L3	B11B4L4	-	-
Special bending	-	B11B4M2	B11B4M3	B11B4M4	-	B11B4M6, M8, M10
Special annealed	B11B4P	-	-	-	-	B11B4M7, M9, M11
Special applications	-	B11B4X2	B11B4X3	B11B4X4	-	-

CHEMICAL COMPOSITION: %

Bare metal - copper including silver, min: 98.90
 Tin coating, min: 99.90

MECHANICAL PROPERTIES: (1)

EMPIS designation	Diameter or size, in	Tensile strength, ksi		Elongation in 4 X diameter or thickness of specimen (2), %, min	Bar flatwise or rod bend test, angle of bend, ° (3)	Hardness, Rockwell (4)	
		Min	Max			HRF	HRB
B11B4A	Rod or bar, all sizes	28	37	25	180	50 max	-
B11B4B	Bar, all sizes	83	-	15	120	-	20-40 (5)
B11B4C	Rod: Up to 3/8 incl Over 3/8 to 1 incl Over 1 to 2 incl Over 2	45	55	12	120	-	-
	Bar: Up to 3/8 incl in thickness, up to 4 incl in width All other sizes	37.5	50	10	120	80 min	-
		83	45	15	120	75 min	-
						65 min	-
B11B4L	Bar: To 3/4 incl in thickness	-	-	-	180	45 max (5) (6)	-
B11B4M	Bar, all sizes	-	-	-	180	50 max (5)	-
B11B4P	Rod, all sizes	-	-	-	180	40 max (5)	-
B11B4X	Bar, all sizes	-	-	-	180	35 max (5)	-

Grain size

EMPIS designation	Grain size, mm	
	Minimum	Maximum
B11B4M or X	(7)	0.050

Edgewise bend test - (B11B4M and X tempers only)

This material unmachined shall successfully withstand bending edgewise through 180 degrees around a mandrel without cracking. The mandrel diameter shall be equal to two-thirds the width of the material being bent.

(See next page for footnotes.)

(Continued on page 2)

BS September 30, 2000

★ Supersedes: B11B4-S18

CAGE IDENT NO. 09172

1000

EMPIRE RECYCLING

10/05/2004 08:49 FAX 3157240167

Exhibit “F”

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

MIDDLESEX SUPERIOR COURT
DEPT. OF TRIAL COURT
C.A. NO.

)
ADMIRAL METALS SERVICENTER CO. INC.,)
Plaintiff)
)
v.)
)
FEUZ MANUFACTURING, INC.)
And)
GARY A. FEUZ, INDIVIDUALLY)
Defendants)
)
And)
)
GENERAL ELECTRIC COMPANY)
And)
EMPIRE RECYCLING OPERATIONS, INC.)
Reach and Apply Defendants)
)

AFFIDAVIT OF DAVID SCHUR IN SUPPORT OF
PLAINTIFF'S MOTION FOR INJUNCTION

I, David Schur, under oath hereby depose and say as follows:

1. That I am the Corporate Credit Manager for the Plaintiff and am familiar with the billing practices relating to this matter.
2. From March 31, 2004 through May 7, 2004, Defendants purchased metal products from Admiral, on credit, for which a principal outstanding balance of \$66,339.78, plus accrued interest of \$4,975.48, aggregating an outstanding balance of \$71,315.26 ("Outstanding Balance") remains, and agreed to make prompt payment thereon. Attached hereto as Exhibit "A" is a true and accurate copy of the Billing Statement. Attached hereto as Exhibit "B" are true and accurate copies of the invoices and proofs of delivery.

3. Defendant Feuz executed a certain Guaranty dated August 15, 1995 agreeing to pay all obligations of Defendant FMI to Plaintiff including costs of collection, attorney fees, and interest of 18% per annum on unpaid balances ("Guarantee"). Attached hereto as Exhibit "C" is a true and accurate copy of the Guarantee.
4. Defendants have refused to make payments for the Outstanding Amount after repeated demand by Plaintiff and then by its attorney. Attached hereto as Exhibit "D" are true and accurate copies of the demand letters mailed to the Defendants.
5. Upon information and belief, FMI has lost one of its largest customers causing it to be in extreme financial difficulty resulting in at least 24 of its 84 employees being layed off. See; Exhibit "E" attached hereto.
6. FMI notified Admiral that it would not be using approximately 40,000 pounds of copper that it had previously purchased from Admiral.
7. As a result thereof, Admiral offered to reduce the Outstanding Balance in exchange for a return of a portion of the product delivered to Defendants, being approximately 40,000 pounds of copper.
8. FMI subsequently notified Admiral that rather than return said 40,000 pounds of copper that it would be using said copper in one of its jobs.
9. Upon information and belief, rather than return 40,000 pounds of copper to Admiral, Defendants, through their agent broker Harry Turkel, sold said copper product to Reach and Apply Defendant Empire, which is a metal scrap dealer, for approximately \$50,000.00. Upon information and belief, Reach and Apply Defendant Empire has yet to satisfy its debt to Defendants.
10. Upon information and belief, Reach and Apply Defendant GE has an outstanding debt

owed to Defendants.

11. Upon information and belief, Reach and Apply Defendant GE has an outstanding debt owed to Defendants.

Subscribed and sworn under the pains of perjury this 8th day of October, 2004.

David Schur
David Schur,
Corporate Credit Manager,
Admiral Metals Servicenter Co., Inc.

F:\ADMIRAL\Feuz\Plaffidavits.doc

EXHIBIT "A"

Thursday, 9/23/04 1:50:22 PM

Page 1



11 Forbes Road
Woburn, MA 01801
(781) 933-8300

STATEMENT

SOLD TO: 07-00116
FEUZ MANUFACTURING INCORPORATED
679 MARIAVILLE ROAD
SCHENECTADY, NY 12306

REMIT TO:
ADMIRAL METALS
P.O. BOX 11545
BOSTON, MA 02211

PURCHASE ORDER	INVOICE NO.	SHIP-TO CITY	INV DATE	AMOUNT
B003695	01402761	SCHENECTADY	03/31/04	2379.10
B3642	01401188	SCHENECTADY	03/31/04	1610.40
B3642	01401185	SCHENECTADY	03/31/04	1824.00
B3642	01401186	SCHENECTADY	03/31/04	1785.60
B3642	01401187	SCHENECTADY	03/31/04	1406.40
B3588	01400014	SCHENECTADY	04/02/04	2135.38
B3712	01404244	SCHENECTADY	04/09/04	18979.75
B3754	01404256	SCHENECTADY	04/09/04	1883.28
B3371	01398992	SCHENECTADY	04/14/04	1874.88
B3273	01393506	SCHENECTADY	04/30/04	6372.03
B3712	01408882	SCHENECTADY	05/07/04	26088.96

TOTAL AMOUNT	CURRENT	PAST DUE
\$66,339.78	\$0.00	\$66,339.78

TERMS NET 30 DAYS

EXHIBIT "B"

*** REPRINT ***
*** INVOICE ***



11 Forbes Road
Woburn, MA 01801
(781) 933-8300

SOLD TO: 0700116

FEUZ MANUFACTURING INCORPORATED
679 MARIAVILLE ROAD
SCHEECTADY, NY 12306

REMIT TO:

ADMIRAL METALS
P.O. BOX 11545
BOSTON MA 02211

SHIP TO:

FEUZ MANUFACTURING INCORPORATED
679 MARIAVILLE ROAD
SCHEECTADY, NY 12306

PURCHASE ORDER NO.	YOUR RELEASE NO.	F.O.B.	VIA	PPD CCRD	DATE SHIPPED	DATE INVOICED	INVOICE NUMBER
		DEST	COM CAR-SPECIF	D	4/30/04	4/30/04	01393506
DESCRIPTION			QUANTITY SHIPPED	UNIT PRICE	UNIT OF MEASURE		AMOUNT
			PIECES SHIPPED	UNIT OF MEASURE			

CUOC C107 .060 X 2. GE B11B72A B3027
WIDTH: 2.0000 IN LENGTH: COIL
CUST PART NO: 300063
8,000" AT \$.62/INCH. GE B11B72A
SOFT ANNEALED, SILVER BEARING, OXYGEN FREE

PPD FREIGHT

N

IN	OUT	MERCHANDISE TOTAL	MISCELLANEOUS	CUTTING	FREIGHT	SALES TAX	TOTAL INVOICE
0115	0783	6372.03	.00	.00	.00	.00	6372.03

TERMS NET 30 DAYS

*What could Admiral Metals do to better improve our product or service?
Fax 1-781-937-6357 or email bursteinj@admiralmetals.com*



11 FORBES ROAD
WOXBURN, MA 01801
(781) 933-8300
www.admiralmetals.com
ISO 9001:2000

4/29/04 4:02:56

BUYOUT ORDER
01393506

01393506

Page 1 of 1

S 0700116
O FEUZ MANUFACTURING INC
L 679 MARIAVILLE ROAD
D SCHENECTADY NY 12306

S FEUZ MANUFACTURING INC
H 579 MARIAVILLE ROAD
I
P SCHENECTADY NY 12305

Process:		Ship Via: OURTRUCK		Route: GE ALBANY			
Delivery Date: <i>4/30/04</i>	Customer Order B3273	Salesman MACCUTCHEON, M.	Receive Phone # 518-355-3088	Receive Hrs/Days			
Certification: ACT CERT W/SHIPMENT		FRT: X	Unload Type: PER CUSTOMER SPECS				
Line	Item	Description	Sold by: LB				
0001	B3027	CUCO C107 .060 X 2. GE B11B72A	Part#: 300063				
Ord/Qty	Width	Length	Ord/WT	Ord/Pcs	Shipped Qty	Shipped LBS	Shipped Date
399	LB	2.0000	COIL	399	4	<i>399</i>	
B3027 CUCO C107 .060 X 2 COIL BUYOUT INBOUND # PO 01033790 0001 2.0000 TAG : 221356 LOC BAY1							
8.000" AT \$.52/INCH. GE B11B72A SOFT ANNEALED SILVER BEARING, OXYGEN FREE ACT C/A W/SHIP PPD FREIGHT							

B. 000" AT \$.52/INCH. GE B11B72A
SOFT ANNEALED SILVER BEARING, OXYGEN FREE
ACT C/A W/SHIP
PPD FREIGHT

~~-Notice- This Material is free from Mercury and Radium contamination at the time of shipment. No weld repair performed. This Material will meet all specification requirements listed. The willful recording of false, fictitious statements on this document may result in a felony under federal law.~~ Purchasing Manager

Location	# of Pk's	Pick/Pack	Load	Updated By	MATL	DEL'D BY:	MAT'L REC'D BY:	Cert
15AY	15KID	191			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Y N
Location	Tag #	Weight	Location	Tag #	Weight	Tag #	Heat #	Wt/Pcs
by JET								
<i>Ryan M. Seward</i>								
Warehouse Comments								

* REPRINT *

PAGE 1



11 Forbes Road
Woburn, MA 01801
(781) 933-8300

* INVOICE *

REMIT TO:

ADMIRAL METALS
P.O. BOX 11545
BOSTON MA 02211

SHIP TO:

FEUZ MANUFACTURING INCORPORATED
679 MARIAVILLE ROAD
SCHEECTADY, NY 12306

SOLD TO: 0700116

FEUZ MANUFACTURING INCORPORATED
679 MARIAVILLE ROAD
SCHEECTADY, NY 12306

PURCHASE ORDER NO.	YOUR RELEASE NO.	F.O.B.	VIA	PPD C&G	DATE SHIPPED	DATE INVOICED	INVOICE NUMBER
		DEST	OUR TRUCK		4/14/04	4/14/04	01398992
DESCRIPTION				QUANTITY SHIPPED	UNIT PRICE	AMOUNT	
				PIECES SHIPPED	UNIT OF MEASURE		

1100 HD ETP COPPER RECTANGLE 03981 3024 IN .6200 1874.88
.375X2.5 21 EA IN
ASTM B187
WIDTH: LENGTH: 144
CUST PART NO: 300963

NOT A DUPLICATE ORDER.

IN	OUT	MERCHANDISE TOTAL	MISCELLANEOUS	CUTTING	FREIGHT	SALES TAX	TOTAL INVOICE
0115	0783	1874.88	.00	.00	.00	.00	1874.88

TERMS NET 30 DAYS

What could Admiral Metals do to better improve our product or service?

Fax 1-781-937-6357 or email bursteinj@admiralmetals.com